

DRAFT

Workshop on Procurement / Acquisition

FITAI – Gettysburg (9/ 28 –5 pm Version)

Organization of Topics/ Actions

1. Over-riding Philosophy
2. Pre-Standards Date
3. Pre- Effective / Enforcement Date
4. Post Effective / Enforcement Date
5. Undue Burden Process Issues
6. Other Issues

Over-riding Philosophy

Over riding philosophy is that this guidance is based upon the enforcement provision of Section 508 of the law (page 4), and that the law is prospective, therefore, remediation of items procured prior to the effective date is not required. It is understood that under pages 1-3 of the law, agencies are to make information accessible whenever EIT are developed, procured, maintained or used. This guidance is based on the enforcement requirement.

Guidance Pre-Standards

1. Use drafts and NPRMs for awareness / orientation of Procurement officers, and vendors. ## Use DOJ survey Report for background on the issues.
2. Network of acquisition personnel primed on the issue.
3. What CANNOT do before the effective date. (Don't use draft 508 stds.)
4. Can use 504 (informal clause) to make interim contracts accessible, raise awareness of contractors, and solicit general accessibility information for consideration.

Guidance Pre-Standards

5. ##Philosophically – we need to let the industry have time to adjust to 508 standard before begin to enforce strictly. Wait for effective date.
6. Be careful not to cause a procurement impasse by requiring compliance to a future 508 standard that is not available yet.
7. Defer Large and long-term procurements – use interim vehicles to fill requirements until 508 is effective.
8. Use checklist to collect information about the accessibility of items acquired for possible future remediation considerations.

Guidance Pre-Standards

9.## What happens to solicitation that goes out without stds, but awards post effective date ? Put in the RFP that the solicitation will be modified to include 508 standards prior to award.

Guidance Pre-Effective / Enforcement Date (after stds are known)

1. ## You can ask vendors for 508 compliance in later deliveries, after effective date or warn that the contract will be modified after the effective date for 508 compliance.
2. To be compliant – agencies will want to include the stds in RFPs immediately upon publication since the contract may be awarded after the effective date.
3. Develop Draft clause (pre-effective date)

Develop recommended draft language for 508 compliance.
4. Request OMB require all GWAC contract holders to modify GWACS to become 508 compliant.

Guidance Pre-Effective / Enforcement Date (after stds are known)

1. Develop model policy for task orders on pre-existing IDIQs and multi-year contracts. Deliveries of IDIQ contracts that are still within the minimum revenue guarantee are not subject to 508, because they were “procured” before 508 became effective.
2. Multiyear contracts that that require annual renewals are subject to 508 after the annual renewal date because procurement occurs after the option renew date.

3. Multiyear contracts that do not require annual renewals and funding obligations that are made prior to the effective date are not subject to 508.

4. ##?? Leases and LTOP contracts signed before the effective date are not subject to 508 even when they require annual renewals because it would require a new delivery order - because you are continuing the lease of an already delivered item prior to the effective date.

5. Seat Management contracts are leased services (see above). When agencies opt to upgrade hardware or software after the effective date, 508 applies.

6. Develop guidance for different types of acquisition vehicles (IDIQ, GWAC, contracts, schedule purchases, Inter-Agency Agreements / MOUs).

7. Phase out use of non-compliant contracts that cannot be made compliant economically.

8. Leverage GWACs using technology refreshment clause when present to ensure 508 compliant products are available. GWACs for services should require 508 compliance on task orders issued after the effective date.

9. Draft Clause like language for voluntary use (508 long term) if FAR does not provide optional clause.

10. Create and use check list for checking 508 compliance including end user and Administrators functions. The Access Board in conjunction with this team will develop this check list.

Undue Burden Process Issues

1. Undue Burden Process must be connected to alternative means of Access.
2. Agencies must establish internal procedures for establishing, documenting, and approving undue burden declaration.
3. A senior agency official in the requiring activity (program area), must be a part of the undue burden approval authority process.
4. An undue burden statement must accompany the procurement file whenever 508 compliance is not met.

5. CIO office and 508 coordinators must be included in the process; consulted, informed and coordinated with on all undue burden determinations. CIO's office will receive and maintain copies of records documenting undue burden determinations.

6. Clarifying basis of Undue Burden needs to occur. Agencies will need guidance.

7. Alternative means of access will be a part of the undue burden declaration.

8. ## Connection between Budget Process and Basis for Undue Burden (if you do not include 508 in project plans, in budget, then almost automatically IT projects will be over budget and seeking a undue burden determination.

Other Issues -

1. Put great emphasis on public access activities to ensure compliance.
2. GPEA activities – MUST get great 508 attention.
3. ## Guidance on non-standard media (maps, satellite images, photos) etc. Standard clause or guidance on approach. Safety in consistency.
4. Establish 508 compliance review processes.
5. Standard approach for one-time use or single user applications.

Other Issues -

6. Ensuring Adaptive Technologies are on GSA schedules.

7. Help support evolution of LOGO program for Govt'wide use.

8. Inhouse development – 504, but when does a related procurement cause program to be 508 compliant (required).

Example – When an inhouse developed web site buys new server equipment, it must be 508 compliant.

9. Impact on Small and Disadvantaged Business –

QUESTIONS - DISCUSSION

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